

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
TIMOTHY SMITH, )  
 )  
Defendant. )

CASE NO. CR06-158 RSL

DETENTION ORDER

Offenses charged:

- Count I: Conspiracy to Import Marijuana, in violation of U.S.C. §§ 21:952, 960(a)(1), 960(b)(2)(G) and 963.
- Count II: Conspiracy to Distribute Marijuana, in violation of U.S.C. §§ 21:841(a)(1), 841(b)(2)(B) and 846.
- Count III: Importation of Marijuana, in violation of U.S.C. §§ 21:952, 960(a)(1), 960(b)(3) and 18:2.
- Count IV: Distribution of Marijuana, in violation of U.S.C. §§ 21:841(a)(1), 841(B)(1)(C) and 18:2.
- Count V: Possession of Marijuana on board Aircraft, in violation of U.S.C. §§ 21:955, 960(a)(2), 960(b)(3) and 18:2.

1 Date of Detention Hearing: June 21, 2006

2 The Court, having conducted a detention hearing pursuant to Title 18 U.S.C. §  
3 3142(f), and based upon the factual findings and statement of reasons for detention hereafter  
4 set forth, finds that no condition or combination of conditions which the defendant can meet  
5 will reasonably assure the appearance of the defendant as required and the safety of any  
6 other person and the community. The Government was represented by Susan Roe. The  
7 defendant was represented by Gilbert Levy. The government continues to move for  
8 detention allowing defendant to reopen the issue as new information become available. The  
9 original detention hearing was held on June 5, 2006 and continued on June 8, 2006.  
10 Defense counsel urges continuing the matter of detention and requests time to find a Seattle  
11 residence for defendant and to arrange for defendant's family who live in Australia to post  
12 bond.

13 FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

- 14 (1) Pursuant to 18 U.S.C. § 3142(e), there is a rebuttable presumption that  
15 defendant is a flight risk and a danger to the community based on the  
16 nature of the pending charges. Application of presumption is appropriate  
17 in this case.
- 18 (2) The Court is not inclined to continue detention for a third time and is  
19 concerned regarding the lapse of time since the prior two hearings.  
20 Because there was no new information presented or pending information  
21 to overcome presumption, the defendant shall be detained and the issue  
22 of detention may be readdressed as new information becomes available.

23 **It is therefore ORDERED:**

- 24 (1) The defendant shall be detained pending trial and committed to the  
25 custody of the Attorney General for confinement in a correction facility  
26 separate, to the extent practicable, from persons awaiting or serving

1 sentences or being held in custody pending appeal;

2 (2) The defendant shall be afforded reasonable opportunity for private  
3 consultation with counsel;

4 (3) On order of a court of the United States or on request of an attorney for  
5 the Government, the person in charge of the corrections facility in which  
6 the defendant is confined shall deliver the defendant to a United States  
7 Marshal for the purpose of an appearance in connection with a court  
8 proceeding; and

9 (4) The clerk shall direct copies of this order to counsel for the United  
10 States, to counsel for the defendant, to the United States Marshal, and to  
11 the United States Pretrial Services Officer.

12 DATED this 23<sup>rd</sup> day of June, 2006.

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15 MONICA J. BENTON  
16 United States Magistrate Judge  
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